

Amendment No. 2 to HB1815

Lynn
Signature of Sponsor

AMEND Senate Bill No. 1388*

House Bill No. 1815

By deleting Section 4 of the printed bill in its entirety and by substituting instead the following:

SECTION 4. Tennessee Code Annotated, Section 4-5-108, is amended by deleting such section in its entirety and by substituting instead the following:

Section 4-5-108. Any legislation that, in whole or in part, amends or repeals any provision of this chapter shall be referred to the government operations committee. Any legislation that reestablishes, restructures or otherwise delegates any type of rulemaking authority to any new or pre-existing governmental entity to which this chapter applies, shall be referred to the government operations committee by the speaker of each house after its referral to another standing committee. The government operations committee shall be considered a standing committee for all legislation referred to it.

AND FURTHER AMEND by deleting the first two (2) sentences of the amendatory language of Section 4-5-220(a) in Section 16 and by substituting instead the following:

After a rule is filed, the secretary of state shall within five (5) business days of its acceptance add the filing to the appropriate location within the portion of the secretary of state's web site devoted to this chapter. The secretary of state's web site shall contain the following:

AND FURTHER AMEND by adding the following as new sections to precede the effective date section:

SECTION _____. Tennessee Code Annotated, Section 4-5-218, is amended by deleting subsection (e) in its entirety.

SECTION _____. Tennessee Code Annotated, Section 4-5-402, is amended in subsection (a) by deleting the language "and 4-5-202(a)" and by substituting instead the language "and 4-5-203(a)".

SECTION ____ Tennessee Code Annotated, Section 4-5-214, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

If, pursuant to this chapter, an agency withdraws a rule amending a previously existing rule, then such previously existing rule shall continue in effect until it is later amended, repealed or superseded by law.

AND FURTHER AMEND by deleting the existing subdivision (2) of subsection (i) of Section 4-5-226 of Section 20 of the printed bill and by substituting instead the following:

(2)

(A) All amendments to existing executive agency rules to be reviewed by the committees or subcommittees pursuant to this part shall be filed with the secretary of state. One (1) copy of the amendments shall be filed in redline form for review by the committee or subcommittees.

(B) As used in subdivision (i)(2)(A), "redline form" means to denote all amendments to an existing rule by placing a line through all language to be deleted and by including all language to be added in brackets or underlined or by another clearly recognizable method that indicates the changes made to the rule.

(3) Failure to comply with the provisions of this subsection (i) may be considered as evidence of the failure by an agency to meet its burden of proof required by subsection (d).

(4) The secretary of state shall refuse to accept the filing of any rule that fails to comply with this subsection (i).

AND FURTHER AMEND by deleting in the amendatory language of Section 10 the language "seventy-five (75) days" and by substituting instead the language "one hundred twenty (120) days".

AND FURTHER AMEND by deleting Section 14 in its entirety and by substituting instead the following:

SECTION 14. Prior to the effective date of a rule, the agency proposing the rule may stay the running of the one hundred twenty-day period required by § 4-5-207 for a period of time not to exceed one hundred twenty (120) days. Such stay shall become effective at such time as the agency files written notice with the secretary of state and shall specify the length of the effectiveness of the stay. Prior to the expiration date of the stay, such stay may be withdrawn by the agency. Withdrawal or expiration of the stay shall reactivate the running of the balance of the one hundred twenty-day period that remained upon the date the stay was filed.

AND FURTHER AMEND by adding the following language to the end of subsection (c) of Section 4-5-226 of Section 20:

The house and senate government operations committees shall strive to hear rules within seventy-five (75) days of such rules being filed in the office of the secretary of state.

AND FURTHER AMEND by deleting in subsection (d) of Section 4-5-226 of Section 20 the language "seventy-five day period" and by substituting instead the language "one hundred twenty day period".

AND FURTHER AMEND by deleting in subsection (i)(1)(H) of Section 4-5-226 of Section 20 the language "Office address" and by substituting instead the language "Office address, e-mail address,".

AND FURTHER AMEND by deleting subdivision (b) from Section 4-5-208 of SECTION 11 in its entirety and by substituting instead the following:

(b) Such emergency rule shall become effective immediately, unless otherwise stated in the rule, upon a copy of such rule and a copy of the written statement of the reasons for the rule being filed with the secretary of state. The emergency rule may be effective for a period of not longer than two hundred ten (210) days. An agency shall not adopt the same or a substantially similar emergency rule within one (1) calendar year from its first adoption, unless the agency clearly establishes that it could not reasonably

be foreseen during the initial two hundred ten-day period that such emergency would continue or would likely recur during the next nine (9) months. The adoption of the same or substantially similar rule through ordinary rulemaking procedures authorized by this chapter shall not be precluded by this section.

AND FURTHER AMEND by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION ____ . If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.